

## Response to Initial Comments received December 2020 (on October 2020 Application)

Document	Depart	#	Comment	Response
<b>Parks, Recreation &amp; Neighborhood Services (PRNS)</b>				
DWDSG	PRNS	1	PRNS seeks one continuous park site with public street frontage at Northend Park. Please update the design guidelines and VTM to reflect this and provide an updated proposed programming plan for this space.	Northend Park has been reconfigured to accommodate a continuous park site with public street frontage.
DWDSG	PRNS	2	PRNS acknowledges that DISC and potential future rail improvements may impact the proposed parks. PRNS will continue to work with the development team to evaluate and understand these potential impacts and consider any necessary design changes.	A 16' buffer from edge of structure at Los Gatos Creek Connector has been confirmed for city dedication and has been updated in all open space diagrams.
DWDSG	PRNS	3	Confirm that public rooftops and upper terraces are not included in the proposed 15 acres of open space. PRNS expects all 15 acres to be at ground level. Refer to S4.5.5.	Confirmed, public rooftops and upper terraces not included in the proposed 15 acres of open space.
DWDSG	PRNS	4	Confirm that public rooftops and upper terraces are not included in the proposed 15 acres of open space. PRNS expects all 15 acres to be at ground level. Refer to S4.5.5.	This portion of the Creekside Walk at South Autumn has been reclassified as the "path to Los Gatos Creek Trail."
DWDSG	PRNS	5	PRNS seeks more limits on new building development or additions in the Creekside Walk at South Autumn Street. In our review, the DWDSG appears to allow for increased heights of up to 60 feet in some buildings and increased building coverage through the area. PRNS would like to explore this in more detail with Google.	Updated standards S5.5.8, and S5.6.2 further clarify limits of development related to the Los Gatos Creek Riparian Corridor at the Creekside Walk.
DWDSG	PRNS	6	PRNS expects the two mid-block passages connected to the City-dedicated parks (Along buildings H3 and C1) to function with the City-dedicated parks and act as one cohesive space.	Noted, the intent for all public open space, private open space, and midblock passages is to cohesively operate as a network of open spaces.
DWDSG	PRNS	7	Clearly show all underground parking garage access, emergency vehicles access, and other encumbrances adjacent, intersecting, or parallel to City-dedicated parks. Encumbrances should be carefully placed to not impede the use of recreational assets. In particular, PRNS seeks more information about the Social Heart and the underground parking garage entrances.	The last figure of the mobility chapter (6.54) reflects where parking/Loading and Service access (including underground parking) is prohibited along building edges. S6.17.3 identifies the limited locations in open space where underground parking access is permitted (project sponsor open space and social heart). Emergency vehicle access routes will not be confirmed at the time of project approval, and will require further coordination with SJ Fire Department during Conformance Review.
DWDSG	PRNS	8	PRNS seeks a different maximum site structure coverage for each of the ten parks. The maximum site coverage should consider the size of the park and the space's programmatic elements. We look forward to working with Google to determine the maximum site coverage for each park. Refer to S4.25.1.	Updated See S4.25.1.
DWDSG	PRNS	9	We expect all kiosks and pavilion structures to not impede the view corridor of open space. We suggest no structures be located within the first 100 feet of open space frontage.	Updated. See G4.5.2.
DWDSG	PRNS	10	In the Lighting and Signage Chapter, clarify the signage requirements for kiosks and pavilions in open space. PRNS seeks a standard for their maximum size.	S7.7.1 was updated to include retail kiosks and pavilions and clarified their being defined in the Muni Code Part 2.5 "Urban Mixed-Use Development Area Sign Zone subject to Sections 23.04.156.L and 23.04.156.M.

DWDSG	PRNS	11	In the Lighting and Signage Chapter, add a standard for clear signage in the project sponsored publicly accessible open spaces. Provide detail on the size, material, location, and placement of these signs. Features on the sign should include, but are not limited to: a. A statement that the area is open to the public, b. The hours of operation, c. A list of amenities in the park, and d. The maintenance contact information. PRNS looks forward to working with Google to finalize the signage requirements for publicly accessible spaces.	Updated. See S7.7.4.
DWDSG	PRNS	12	Provide clarification on the amount and location of bike parking in and near open space.	The DWDSG will, at a minimum, provide the required number of bicycle parking spaces for open space as stated in San Jose Code §20.90.060 Ord. 28836.
DWDSG	PRNS	13	Public art in City-dedicated parks can, at a maximum, account for 1% of the total park costs. Refer to <a href="#">SJMC Section 22.08.040</a> .	Commitments on public art spending (and costs in general) are not covered in the DWDSG. See the Parkland Agreement for details.
DWDSG	PRNS	14	Clarify the uses of semi-public areas in publicly accessible parks. For example, along the H3 building in the Los Gatos Creek Connector there is a stretch of semi-public space, what is the intended use of that space?	Updated. See new standard: S4.5.5
DWDSG	PRNS	15	If the buildings near the Social Heart are reconfigured, PRNS must review the park area prior to accepting it as City-dedicated parkland. The open space needs to remain continuous and should generally be a square or rectangle shape.	Building reconfiguration will be addressed in the design phase. PRNS will be consulted throughout the design phase. It is understood that PRNS acceptance of parkland for project sponsor is a prerequisite for dedication credit.
DWDSG	PRNS	16	Clarify the recreational use of the nature play amenity in the Los Gatos Creek setback. Note that only passive recreation is allowed in this area. Refer to S4.12.2.	Updated definition for "nature play". See Figure 4.24 Examples of programmatic elements, continued.
DWDSG	PRNS	17	Clarify the location of the PG&E electrical tower in or near The Los Gatos Creek Park.	PG&E electrical tower is outside the project boundary.
DWDSG	PRNS	18	Provide more information on the intended function, use, and reservation of the makerspace. Refer to G4.21.2.	Updated definition of "maker space". See Figure 4.24 Examples of programmatic elements, continued.
DWDSG	PRNS	19	PRNS seeks coordination between Planning, PRNS, and Google to determine the occupiable projections and horizontal projections standards over City-dedicated parks and trails. Refer to S5.10.2 and S5.17.4.	Updated. See new standard S5.9.3.
DWDSG	PRNS	20	Design guidelines should note that the creek footbridge between West Santa Clara Street and West San Fernando Street is subject to state and federal permitting and regulatory requirements. Refer to S4.8.6.	"Subject to regulatory agency approval" has been added for clarity to every standard relating to the riparian corridor, including boardwalk, footbridge, viewing platforms and overlooks .
DWDSG	PRNS	21	PRNS reserves the right during the City-dedicated parks design and development phase to identify the best irrigation method. Refer to S4.23.1.	Updated. See S4.23.1
DWDSG	PRNS	22	Confirm that City-dedicated parks will not be used for treating stormwater from adjacent private spaces. Refer to Section 4.23.	City dedicated parks will not treat stormwater from adjacent private property.
DWDSG	PRNS	23	The California Sycamore species is not suitable for public spaces as it is a more fragile species and large limbs can present a public safety issue. Refer to page 151.	California sycamore is considered suitable for public spaces, but as with many species its health is directly related to ensuring that trees installed come from healthy nursery stock, are installed in suitable soils, drainage and rooting conditions, and are maintained with suitable irrigation. With these standard precautions sycamore should not present public safety issues any more than many other species commonly installed in public spaces.
GP	PRNS	1	PRNS looks forward to working with the Planning Division and Google to discuss updates to the LU-1.9 Amendment.	Revised language has been incorporated.

VTM	PRNS	1	The Downtown to Diridon Shared Use path is designated as project sponsored owned open space along the edge of the City-dedicated Social Heart. Refer to page TM-7A. VTA owns the area where the path is proposed and has co-signed the planning application. Please: a. Clarify what the open space improvements on the VTA property are, b. Confirm there are no easements or other restrictions that will restrict or prohibit the proposed improvements or public use, and c. Clarify how Google will obtain ownership or the legal rights to implement the proposed improvements.	a. Landscaping improvements as well as pathway, as shown in DWDSG b. There is an existing sidewalk easement and a easement for an underground gas line in this area, neither of which would preclude public use c. Project sponsor will work with VTA to implement proposed improvements.
VTM	PRNS	2	PRNS seeks the connection of the two mid-block passages between St. John's Triangle and North Montgomery Pocket Park. The connection will allow a more continuous pedestrian network between the two open spaces. They are currently separated by a private street that dead ends. Refer to page TM-10A.	Please see updated project framework plan. The two referenced open spaces are connected with a publicly assessble mid-block passage. The design intent for the open space network including both POPOS and City-dedicated parks is a connected, continuous network of open spaces, generally accessible to the public.
VTM	PRNS	3	Any changes to City-dedicated open space areas to account for final open space programming, street or utility engineering or vertical design must be reviewed by PRNS before it is accepted as a City-Dedicated park. Refer to the second point under Notes Relating to Alterative Sheets and Open Space Dedications on page TM-1.	Noted
VTM	PRNS	4	In the second point under Notes Relating to DISC Process and Potential Condemnation on page TM-1, it says if DISC condemns City-dedicated parks, then 0.93 acres in Lots A and B (the Los Gatos Creek Connector) will be irrevocably offered for dedication to the City. Please clarify the following points: a. Table 4.1 in the DWDSG shows only 0.76 acres in the Los Gatos Creek Connector is proposed to be dedicated to the City. Please clarify where the additional 0.17 acres comes from. Our measurements show less than 0.96 acres in Lot A and B. b. Point 2a. says if 0.98 acres are accepted for dedication in the Los Gatos Creek Connector, then Lots P, Q, R or a portion of Lot 14 may be reduced by 0.26 acres. Clarify why 0.26 acres can be reduced from these 4 lots. This reduction would cause the total City-dedicated acreage to fall below 4.8 acres to 4.71 acres. Note: Lot 14 is not proposed as City-dedicated parkland.	The DWDSG table [Table 4.1] has been updated to reflect .91 acres at Los Gatos Creek Connector. The VTM is now .93 acres and the .02 acre difference is due to the area between the 2019 disc TCE line and the project boundary which is not counted in the DWDSG. See Development Agreement/Parkland for provisions related to verification of final acreage related to DISC, as mentioned in VTM Map Note #3 under "Notes Relating to Alternative Sheets and Open Space Dedications". Any modifications to the public open space dedications will be reflected in the phased final map.
VTM - Trail		1	The trail alignment from West San Carlos Street to Park Avenue should generally be straight. The relatively narrow and angled alignment shown offers little room for relocation to address impacts such as trees, creek bank shifts, and other obstacles. The alignment may warrant fine-tuning in the design phase. Refer to page TM-4A.	Trail alignmnet has been straightened out and generally follows riparian corridor alignment. A trail design consultant will review and refine in the design phase.
VTM - Trail	PRNS	2	Clarify the use of Lots D, E, and F between the creek and the dedicated trail. These small lots appear to be an extension of the trail and we recommend they be included in the City dedicated acreage. Refer to page TM-4A.	The trail has now been slightly realigned, since the last version of the VTM, and the lots are now less small. The former Lot D is now Lot G and Project-Sponsor Owned Open Space; Lot E is now Lot H; Lot F is now Lot E and City dedicated trail.
VTM - Trail	PRNS	3	Include the trail alignment over the bridge near the Los Gatos Creek East Park in the Vesting Tentative Map Sheets. Refer to page TM-8.	The trail connection over the bridge is outside of the Project and will not be shown in VTM.
VTM - Trail	PRNS	4	PRNS does not support the sharp edge in the southern end of the trail alignment in the Los Gatos Creek East Park. We are concerned with the functionality and safety of the sharp edge for bicyclists. Refer to page TM-8.	The southern edge of the trail alignment in Los Gatos Creek East Park is treated as an intersection/nodes of the Diridon Station to Downtown shared-use path and LGC multi-use trail. A trail design consultant will review and refine in the design phase.
VTM - Vacations/ Dedication	PRNS	1	There are inconsistencies with the area of Delmas Avenue on page 2 of the Proposed Street Vacation and Dedication and page 134 of the DWDSG. Clarify where the private street is proposed.	The VTM was showing the vacation of Delmas accurately. This has been corrected in the DWDSG.
VTM - Trail	PRNS	5	PRNS seeks a wider trail entrance off West Santa Clara Street to accommodate a gateway feature, at least 60 feet of width is desired. Refer to page TM-8.	The project will incorporate a gateway feature which complies with width standards prescribed in the trail design standards manual
DWIS	PRNS	1	For Section 2.1.1., ensure that the "Construction Area Traffic Control Devices" specification guides pedestrian and bicycle detour routes.	Text has been revised in section 2.1.3

DWIS	PRNS	2	For Section 2.3, consider an exception or addition that speaks about retaining walls if proposed within the riparian corridors. Visual goals may not be the primary requirement depending upon regulatory agencies.	Noted, exception added in section 2.3
DWIS	PRNS	3	For Section 2.5, add the San Jose Trail Program's "Trail Signage and Mileage Marker Guidelines" for use along the proposed Los Gatos Creek Trail (refer to the Trail Program website, on "Policies and Reports").	Text has been revised in section 2.5
DWIS	PRNS	4	For Section 2.10.1, replace the term "Pathway" as it pertains to a channel for private utilities. The term path and pathway are often understood to mean a paved alignment for pedestrians.	Text has been revised in section 2.10.1
DWIS	PRNS	5	For Section 2.10.1, the bridge design should minimize its soffit depth to sustain the opportunity to build a trail under-crossing (seeking minimum of 10' vertical clearance, and paved surface above a 10-year flood event).	Text has been revised in section 2.10.1 to reflect. 10 feet of vertical clearance between the soffit and the 5-year water surface elevation.
DWIS	PRNS	6	For Sections 2.10.1 and 2.10.2, the guidance on material is unnecessarily prescriptive. Consider providing an aesthetic design objective and allow engineers and architects to make the most preferable material section based upon bridge span, use, loading and other attributes that require investigation beyond this report.	Text has been removed for clarity.
DWIS	PRNS	7	For Sections 2.10.1 and 2.10.2, include the Caltrans Highway Design Manual - Chapter 1000 for compliance. The 12' wide pedestrian and bicycle bridge should meet the manual's conditions for railing heights, lane width, signage, striping and other conditions.	Text has been removed for clarity.
DWIS	PRNS	8	For Sections 2.10.1 and 2.10.2, the 1992 Standards do not address Warm Mix Asphalt pavement. Consider additional guidance to support such installations, which better accept use of recycled asphalt and produce fewer hydrocarbons at time of installation.	Additional standards to allow for Warm Mix Asphalt and use of recycled asphalt are addressed in Section 4.1.2.
DWIS	PRNS	9	For Section 3.2.2, add additional guidance to support installation of 8' to 12' sidewalks when they function as a short connector or gap closure for the Los Gatos Creek Trail system, allowing multi-use by pedestrians and bicyclists.	No change. Currently LGC Trail is completely separated and the plan does not include sidewalk that will function as short connector or gap closure for the Trail. Note, this portion of the document is now Section 4.2.2
IP	PRNS	1	PRNS requests review of all stormwater facilities on development adjacent to City-dedicated open space.	Noted. We anticipate the City would distribute comments to the internal department reviewers as required to review all stormwater facilities on development adjacent to City dedicated open space.
Process	PRNS	1	In the vertical improvement conformance review applications for residential structures, PRNS seeks a requirement for clear demonstration of how the submittal complies with PDO/PIO and park phasing. This would include the residential units proposed and the anticipated amount of the parkland dedication that is needed to meet the requirements for the proposed units.	Implemented, see Implementation Guide.
Process	PRNS	2	In II.A.2.c., PRNS recommends adding garage entrances.	Implemented, see Implementation Guide.
Process	PRNS	3	Please include the review process for Private Recreation Credit and clarify which buildings are eligible for this credit. PRNS will conduct the review for Private Recreation Credits for consistency with Resolution No. 73587. PRNS proposes that the Private Recreation Credit exhibits be reviewed and approved prior to issuance of building permits for the residential building for which private recreation credits are requested.	Implemented, private recreation exhibit to be reviewed as part of the Conformance Application. See Implementation Guide.
Process	PRNS	4	In II.B.3, change the wording from "parks agreement" to "Parkland Agreement" to match standard language.	Implemented, see Implementation Guide.
Process	PRNS	5	In II.B.3, the "Park Improvement Specifications" should be referred to as "Park Improvements" to match the standard language in Parkland Agreements.	Implemented, see Implementation Guide.

Process	PRNS	6	In III.C.1, include that the Public Works Director needs to provide the final conformance review for improvements that will be owned by the City.	Conformance review for 35% (schematics) is a Director of PBCE determination in consultation with Director of PRNS and Director of PW. Director of PW will sign off on final Park Improvements as part of the 100% set defined in the Parkland Agreement. Described further in Implementation Guide.
Process	PRNS	7	Clarify the timeline of the Park Improvement Specifications and the Conformance Checklist and how they relate to the three community meetings. The application for City-dedicated parks should not be submitted until two community meetings have occurred.	Conformance Application is equivalent to 35%, and will include the Conformance Review Approval Form (Appendix A of Implementation Guide). Following Consistency Determination, we will move into the typical Turnkey process of 65% and 95% with final approval by Director of PW as described in Implementation Guide. As described in the Implementation Guide, there will be 2 community meetings prior to submission of an application for a City-dedicated park.
Process	PRNS	8	PRNS suggests adding shade and shadow impacts in point 5 in the Exception's Standard of Review table.	Implemented, see GDP Sheet 8.02
Process	PRNS	9	In the last sentence in the Informational Community Meetings table, PRNS suggests expanding the time between the determination of completeness and the Parks and Recreation Commission meeting to allow for Staff meeting preparation.	See Implementation Guide.
Process	PRNS	10	Any relief adjacent, parallel, or intersecting City-dedicated parks or trails needs to be reviewed by PRNS, including S5.9.2, which is in connection with occupiable projections.	Noted, Open Space Conformance Determination is in consultation with PRNS.
Conformance Determination	PRNS	1	PRNS suggests having a separate section for City-dedicated parks and trails, which includes a table summarizing: a. The proposed dedicated area in the DWDSG, b. The actual area dedicated, c. The number of residential units that correspond to the dedicated area, and d. The status of fulfilling the project's parkland obligation.	Addressed in Vertical Application Submittal Requirements and Appendix A of the Implementation Guide
Conformance Determination	PRNS	2	For all vertical improvements, PRNS suggests clearly demonstrating how residential buildings meet their parkland obligation.	Addressed in Vertical Application Submittal Requirements of the Implementation Guide
<b>Public Works (PW) + Department of Transportation (DOT)</b>				
GDP	PW	1a	a) Sheet 3.02 Development Standards, Maintenance Responsibility: Street trees and public landscaping will not require a major encroachment agreement, community facilities district, nor landscape and lighting district. Revise the language to update the statement or specify any enhanced public landscaping features that cannot be maintained by adjacent property owners.	No change to language, fronting property owner seeks ability to assign obligation to other non-city entities.
GDP	PW	1b	b) Sheet 6.06 Infrastructure: Update proposed Utilidor Plan to match with Public Encroachment Permit Plans.	Updated on Sheet 6.06
GDP	PW	1c	c) Sheet 8.01 Zoning / Design Conformance Review Process: Horizontal Improvement Subsequent Review Process should include 65%, 95% and 100% plans.	Updated on Sheet 8.01
DWDSG	PW	2	Downtown West Design Standards and Guidelines: a) Page 19: Add Private Street Permits under additional review components.	Updated in list of applicable documents

DWDSG	PW		b) Page 283 Standards: i) Structural soil should not be part of standards in public right-of-way. ii) Contiguous tree wells should not be part of standards in public right-of-way.	S6.12.4 has been updated to clarify the need for coordination with DPW where structural soils are implemented. The standard is used to enable the use of structural soils which are otherwise not permitted in other city documentation and are critical to tree growth in Downtown West constrained planter areas.  S6.12.5 clarifies that continuity of planters is only required in places where it does not interfere with other street features (utilities, subgrade components, geometric design, and dynamic lanes
DWDSG	PW		c) Planning Context (6.2): Remove the Diridon Area Parking Study from the list of parallel planning efforts	Updated " <i>Downtown Area Parking Study</i> ", an active project.
DWDSG	PW		d) Street Network (6.3): i) Add the following language to the end of S.6.3.4 - Relationship to Disc and Rail Corridor: "Continued coordination on the rail corridor will be represented visually as part of the on-going collaboration between the DISC partner agencies and the applicant." ii) Include a new standard (Public Improvements at Rail Crossings) that states: Coordination and/or permits from VTA, CPUC, FRA, and other stakeholders (UPRR, Caltrain) are required for public improvements at rail crossing; the City will take the lead on coordination and reviewing the proposed improvements with Developer's support. iii) Further review and discussion is needed to address the Ring Rd/Montgomery St intersection design and Ring Rd alignment as applicable to all transportation modes. iv) Include public access easement along the Ring Rd in the north end part of the project (Fig. 6.19). v) Consider providing a cul-de-sac at the south leg of the Royal Ave/W San Carlos St intersection and lengthening the eastbound W San Carlos St leftturn pocket; further analysis will be included in subsequent focused LTAs. vi) Further review and analysis is needed to study the feasibility of a fullaccess intersection at Cahill St/Park Ave.	i) S6.3.4, S5.5.5, and S4.9.2 have been updated to clarify the relationship between Downtown West and DISC. ii) "S6.3.5 Public improvements at rail crossings" has been added iii) North Montgomery and North Autumn Street references have been updated. Additionally, Lenzen Avenue (not presently public ROW) was removed from the project. iv) The private street along the west rail edge was removed from the project. v-vi) To be studied further in future focused LTA's at Cahill St / Park Ave
DWDSG	PW		e) Streetscape Elements Cross-sections (6.10): i) Include street trees in areas with ample room and provide consistency expressing street tree locations. ii) Remove the Cahill Street (Core) cross-section shown as Figure 6.23.	i) Sections have been updated to demonstrate trees in all appropriately sized planting areas. ii) Cahill core section has been removed (from project boundary and illustrative section in 6.10)
DWDSG	PW		f) Dynamic Lanes (6.11): i) Additional labeling of blue dynamic lanes north and south of Santa Clara St could be needed per further analysis in order to support transit an event traffic throughput. ii) Include the following language in S6.11.1 (Dynamic lane width): "If used for event traffic throughput, transit stop or shuttle stop, dynamic lanes shall be permitted to be up to 10 feet wide."	i) Additional dynamic lane locations were not included as current modeling does not reflect them as required for post-event egress. ii) S6.11.1 was updated to read: "If used for event traffic throughput, transit stop or shuttle stop, dynamic lanes shall be permitted to be up to 12 feet wide, inclusive of gutter."
IP	PW	3a	Infrastructure Plan: a) Page 8 Mapping & Permitted Encroachments: Revise paragraph to include improvement plan approval is required prior to street vacation.	We understand that an improvement plan approval is necessary to execute a street vacation. However, Project Approvals contemplate a conditional street vacation approval to be granted at the time of entitlements with the caveat that the vacations won't actually be executed until the street improvement plan / final map stage.
IP	PW	3b	b) Page 19 Existing Gravity Collection: There should be two sewersheds in the Diridon area. Revise the paragraph accordingly.	Paragraph has been revised in Section 7.2.2.
IP	PW	3c	c) Page 20 Proposed Connections: Provide a table summarizing all proposed sanitary sewer upgrades and relocations.	Table has been added in Section 7.2.4.

IP	PW	3d	d) Page 21 Business-as-Usual Scenario: i) Revise the statement "There are no impacts to the sanitary sewer siphons" to "There are no capacity impacts to the sanitary sewer siphons". ii) Add language to include the Phase VII Interceptor Project needs to be implemented prior to completion of the last phase of Downtown West Development to provide area wide capacity.	i) Text has been revised in Section 7.2.5.  ii) Based on feedback from PW, the text in Section 7.2.5 is revised to say "The Phase VII Interceptor Project will be completed by the City prior to the completion of the last phase of Downtown West Development to provide the necessary area wide capacity."
IP	PW	3e	e) Page 22 Water Reuse Facility(s) Scenario: i) Revise the paragraph to include downstream segment of the WRF under scenarios #2 and #3 needs to be upsized to 42". ii) Revise the paragraph that states ".....backwater represents a Level "D".....is acceptable". This statement is incorrect. Level "D" is flowing full at peak flow and surcharging is not acceptable. iii) Page 23 Figures 7.3, 7.4 and 7.5: Remove these figures as the multiple scenarios with and without Phase VII Interceptor may cause confusion. Replace with a table summarizing improvements required for the project under each discharge scenario.	i) Text has been revised in Section 7.2.5.  ii) Text has been revised.  iii) Table has been added.
IP	PW	3f	f) Page 26 Existing Collection System: Paragraph states Figure 7.7 shows existing outfall locations, but these are not shown in the figure. Revise the document to include outfall locations.	Existing outfalls have been added to Figure 7.7
IP	PW	3g	g) Page 28 Proposed Storm Drain Pipe Upgrades: Revise the document to include additional upgrades below: i) New 48" RCP on N. Autumn Street, from Cinnabar Street to Julian Street. ii) New 66" RCP on Cinnabar Street, from N. Autumn Street to Stockton Avenue.	Document has been revised in Section 7.4.6 for both comments.
IP	PW	3h	h) Page 41 Conceptual Utilidor Layout: i) Revise Figure 9.1 to match with Public Encroachment Permit Plan. ii) Include an explanation demonstrating that the Utilidor structure and dimensions are necessary and why the proposed utilities cannot be direct buried. iii) Design and approach are still under review and pending additional information.	i) IP Figure and Public Encroachment Permit Plan are coordinated. ii) An explanation has been included in Section 9.1.3. iii) Noted
IP	PW	3i	i) Page 43 Scope of Service District Wastewater Collection System: Provide more details on parcels that will not be served by the district system. Downstream capacity impact will need to be evaluated.	A list of parcels has been added to Section 9.2.2. The number of units for this request is quite small (600 units).  City agreed that they would take on the sanitary sewer analysis obligation for these units.
IP	PW	3j	j) Page 44 Facility Design Onsite Wastewater Treatment: The estimated total average flow from all Downtown West parcels is approximately 2.6 mgd. Provide clarification on how the 1-mgd WRF treats project flow. If excess flow will discharge to City system, provide frequency of the discharge.	Text has been revised in Section 9.2.4.1.
IP	PW	3k	k) Page 45 Discharge Connection: Project proposes to discharge excess wastewater to City system when onsite demand is low. Provide discussion on how the flow will be monitored (such as a meter).	Text has been revised in Section 9.2.4.3.
Civil Sheets	PW	4a	Infrastructure Plan Sheet: a) Sheet C4.1 Utility Plan: Sanitary sewer segment #282264 may be impacted by Utilidor. Review and identify relocation if necessary.	Segment will be evaluated for impacts during Horizontal Conformance Review. If impacted, it will be relocated and described in Horizontal Improvement Plans.
Civil Sheets	PW	4b	b) Sheet C4.2 Utility Plan: Indicate sanitary sewer main along Montgomery Street to be abandoned and verify lateral connections.	Abandonment will be verified during the Horizontal Conformance Review process, and will be shown in the 35% submission package as applicable.
Civil Sheets	PW	4c	c) Sheet C4.4 Utility Plan: Indicate sanitary sewer main along Delmas Street to be abandoned and verify existing lateral connections.	Abandonment will be verified during the Horizontal Conformance Review process, and will be shown in the 35% submission package as applicable.
Civil Sheets	PW	4d	d) Sheet C4.7 Utility Plan: Indicate sanitary sewer main along Cinnabar Street to be abandoned and verify existing lateral connections.	Abandonment will be verified during the Horizontal Conformance Review process, and will be shown in the 35% submission package as applicable.

Civil Sheets	PW	4e	e) Provide public access easements over vacated areas along Delmas Ave, Montgomery St and Cinnabar Ave for existing public utilities needing maintenance unless relocated.	Map note #1 under "Note Relating to Vacations" states that that future easements will be provided in phased final maps for public infrastructure in vacated areas. The only new public access easement currently shown on the VTM is in the instance when there is a utility through a property that is not associated with an existing street. This is shown on the VTM at Lot 6.
DWIS	PW	5a	Improvement Standards: a) Page 5, Section 2.1.2 Sub-Grade Site Preparation: Revise paragraph that project will be required to submit soils and geotechnical reports for review, particularly for areas within liquefaction zone. Grading work should follow geotechnical report and City Geologist requirements.	Text has been revised in section 2.1.2
DWIS	PW	5b	b) Page 6, Section 2.3 Retaining Walls: Revise paragraph that retaining walls are subject to City structural review.	Text has been revised in section 2.3
DWIS	PW	5c	c) Page 9, Section 3 Right-of-Way i) Modification for Surface and Pavement: Caltrans standards specifications are acceptable for Sections 37, 40, 41, and 42. Revise paragraph to use CSJ standard specifications for Section 39. ii) Materials: Caltrans standard specifications are acceptable for Sections 89, 90-6 (light weight concrete only), 92, 93, and 94. Revise paragraph to use CSJ standard specifications for Section 90.	Text has been revised in sections 4.1.2 & 4.2.1
DWIS	PW	5d	d) Page 13, Section 4.6 City Storm Drainage: Revise paragraph to include on-site drainage facilities and retaining walls to be approved by Public Works.	Text has been revised in section 5.6
DWIS	PW	5e	e) Page 13, Section 4.7 Stormwater Management in the Public ROW: Revise paragraph that detailed stormwater treatment measures in the public ROW will be reviewed and approved as part of the public improvement plans (not grading and drainage permit).	Text has been revised in section 5.7
DWIS	PW	5f	f) Page 14, Section 5.3.1 Direct Bury Utilidor: Add to paragraph that other City Agreement(s) may be required for the proposed utilidor.	Text has been added to section 6.3.1 to indicate City Agreement(s) may be required, depending on final design and location
DWIS	PW	5g	g) Page 15, Section 5.3.3 Utilidor Tunnel Structure: Revise paragraph that geotechnical report and structural calculations will be required with public improvement plans.	Text has been revised in section 6.3.3
District Systems	PW	6	District Utility System: Clarify the term "district utility system" or the word "district" in Infrastructure and project documents to avoid confusion with "special district" established under State law to own, maintain, and operate infrastructure system.	Clarification has been added to the documents.
VTM	PW	7a	Vesting Tentative Map and Cross Sections: a) Street vacation along North Montgomery Street: Proposed vacation shall not land lock any adjacent properties. Verify access for parcels 259-29-002, 259-29-003 and 259-29-004.	Tmap will show an access easement through Google parcels from "Lands of Jiminez", 259-29-003. The Lands of City of San Jose parcel, 259-29-002 will eventually become the Lot E garage.
VTM	PW	7b	b) New Cahill Street adjacent to SAP Center: Verify that the proposed new street will not conflict with existing SAP Center improvements.	Impacts to SAP Center improvements were described and studied as part of the EIR analysis. Design details for modifications to SAP Center improvements will require further coordination with the City and SAP Center.

VTM	PW	7c	<p>c) Bird Avenue:</p> <p>v) Revise “active streetscape” dimension to minimum 21-feet wide.</p> <p>vi) Revise curb lane width to 12-feet wide minimum that includes the gutter pan.</p>	<p>i) HMM completed turning analysis. Property corner radius in the north east corner of intersection was increased to 30-feet to accommodate the SU-40. There is a standard in the DWDSG for exemption from the municode.</p> <p>ii) We included a map note in the VTM to reflect that corner sight distances and turning movements will be evaluated with the development of each parcel and shall not jeopardize pedestrian or bicycle safety.</p> <p>iii) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>iv) As discussed with DOT on 2/23/21, our analysis to date shows the dynamic lane south of Park Avenue is not required for vehicular use during event. It is understood that if analysis shows it is needed, then the dynamic lane will be widened to 12-feet.</p> <p>v) Revised cross-section per comment</p> <p>vi) Revised curb lane to 12'-13'.</p>
VTM	PW	7d	<p>d) Park Avenue:</p> <p>i) Revise proposed 74-foot wide cross-section to accommodate 84-foot wide public right-of-way planline to be provided by the City.</p> <p>ii) Analyze the need for minimum 24' corner radius dedication per muni code chapter 19 at the Park Ave/Cahill St and Park Ave/Bird Ave intersection.</p> <p>iii) Clarify the need for the proposed vacation along the southerly and northerly frontages (59-feet along the southerly, 76-feet along the northerly section).</p> <p>iv) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.</p> <p>v) Clarify limits of “10-foot P.U.E.” shown along the southerly Park Ave frontage.</p> <p>vi) Provide missing cross-section labeled “X”.</p>	<p>i) We widened the ROW to 80', which does not include retaining walls. It is understood that if retaining walls are needed, they would be outside of the 80' ROW shown in the VTM.</p> <p>ii) We included a map note in the VTM to reflect that corner sight distances and turning movements will be evaluated with the development of each parcel and shall not jeopardize pedestrian or bicycle safety.</p> <p>iii) Current linework is shown as a 80-foot right of way. The associated vacations on both sides of the street are needed for the adjacent development</p> <p>iv) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>v) 10' P.U.E. limits have been updated and are now shown.</p> <p>vi) Corrected and updated cross-section.</p>
VTM	PW	7e	<p>e) W. San Carlos Street:</p> <p>i) Maintain existing raised median island and curblane along the project frontage while providing a 15-foot sidewalk width obtained via project dedication.</p> <p>ii) Show location of cross-section for “Royal to Bird-Alt 2” and assign new letter label.</p> <p>iii) Maintain existing 108-foot right-of-way on the Lot C project-sponsored open space.</p>	<p>i) Revised cross-section per comment</p> <p>ii) Simplified to one cross-section for W. San Carlos Street</p> <p>iii) Removed street vacation along Lot C</p>
VTM	PW	7f	<p>f) Julian Street:</p> <p>i) Revise sidewalks widths to 15-foot wide for Alt 1 in cross-section T2.</p> <p>ii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.</p> <p>iii) Remove the proposed 4-foot and 4.5-foot bike lanes shown to be implemented by the city in cross-section T1.</p>	<p>i) As discussed, Project is maintaining 10' sidewalks. Refer to Cross-Section T, Alternative 1</p> <p>ii) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations</p> <p>iii) Removed Cross-Section T1</p>
VTM	PW	7g	<p>Autumn Street:</p> <p>i) Analyze the need for minimum 24' corner radius dedication per muni code chapter 19 at the Autumn St/San Fernando St and Autumn St/W Santa Clara St intersections.</p> <p>ii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet</p> <p>iii) Revise dynamic lane width up to 10 feet wide that does not include the gutter pan.</p> <p>iv) Revise “active streetscape” dimension to minimum 21-feet wide for Alt 1 in cross-sections “B” and “R”.</p>	<p>i) Updated VTM map note to reflect that the property line corner radius on the final maps. To the extent that any corner radius is less than 24', the PW Director will authorize the proposed radius pursuant to Title 19.36.070 assuming that the subdivider demonstrates the safe and efficient movement of traffic through the intersection through an FTLA or similar analysis.</p> <p>ii) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>iii) Revised cross-section per comment</p> <p>iv) Revised cross-section per comment</p>
VTM	PW	7h	<p>h) Auzeais Avenue:</p> <p>i) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.</p> <p>ii) Extend limits of Lot A “City-Dedicated Park” southerly to the new 65-foot right-of-way line along the Auzeais Ave frontage.</p>	<p>i) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>ii) City Dedicated park in Lot A has been adjusted from the previous version</p>

VTM	PW	7i	<p>i) Montgomery Street:</p> <p>i) Revise the proposed "active streetscape" dimension to minimum 21-feet wide for Alt 2 in cross-section C</p> <p>ii) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet</p> <p>iii) Revise curb lane width to 12-feet wide minimum that includes the gutter pan.</p>	<p>i) Revised cross-section per comment</p> <p>ii) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>iii) Revised cross-section per comment</p>
VTM	PW	7j	<p>j) Cahill Street:</p> <p>i) Revise all bike buffer/tree wells shown from 3.5-feet wide to a minimum 5-feet.</p> <p>ii) Revise curb-to-curb width to 36-feet with implementation of 10-foot wide through lanes.</p> <p>iii) Analyze the need for a minimum 26-foot proposed active streetscape along the westerly frontage shown in Alt 2 of cross-section D.</p> <p>iv) Remove Alt 3 for cross-section D.</p> <p>v) Show any potential conflict of proposed right-of-way with the SAP stairs along the easterly frontage.</p>	<p>i) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>ii) Cahill between San Fernando and Park has 11-foot through lanes to accommodate shuttle and bus movements. 38-foot curb to curb width remains as-is</p> <p>iii) Revised cross-section to 26' active streetscape along westerly frontage</p> <p>iv) Prefer to keep Alternative 3 for flexibility in design of Cahill/N Montgomery corridor</p> <p>v) Project grading will be coordinated with SAP Center at later date. Current layout does not conflict with existing SAP center.</p>
VTM	PW	7k	<p>k) San Fernando Street:</p> <p>i) Revise all bike buffer/tree wells shown from 3.5-feet to a minimum 5-feet.</p> <p>ii) Revise curb-to-curb width to 36-feet with implementation of 10-foot wide through lanes.</p> <p>iii) Show any potential conflict of proposed right-of-way with the SAP stairs along the easterly frontage.</p> <p>iv) Show dedication needed along the southerly frontage to achieve active streetscape width.</p> <p>v) Analyze the need for minimum 24' corner radius dedication per muni code chapter 19 at the Cahill St St/San Fernando St southwest corner.</p>	<p>i) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations. Bike buffer fronting JPB property is reduced due to constricted right of way and inability to dedicate land along non project frontage.</p> <p>ii) W San Fernando has two lanes, refer to revised cross-section</p> <p>iii) Refer to Cahill Street comment response</p> <p>iv) Revised cross-section per comment</p> <p>v) Updated VTM map note to reflect that the property line corner radius on the final maps. To the extent that any corner radius is less than 24', the PW Director will authorize the proposed radius pursuant to Title 19.36.070 assuming that the subdivider demonstrates the safe and efficient movement of traffic through the intersection through an FTLA or similar analysis.</p>
VTM	PW	7l	<p>l) St. John Street:</p> <p>i) Revise all bike buffer/tree wells shown from 3.5-feet to a minimum 5-feet.</p> <p>ii) Revise curb-to-curb width to 24-feet with implementation of 12-foot wide curb lanes.</p> <p>iii) Revise "active streetscape" dimensions to minimum 21-feet wide</p>	<p>i) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>ii) 12' wide curb lanes are within the range shown of 11'-13'</p> <p>iii) Revised cross-section range upper limit to 21'</p>
VTM	PW	7m	<p>m) Ring Road:</p> <p>i) Revise all bike buffer/tree wells shown from 3.5-feet to a minimum 5-feet.</p> <p>ii) Revise curb lane width to 12-feet wide minimum that includes the gutter pan.</p>	<p>i) Our goal is to provide 5-feet bike/buffer/tree wells, however, we maintain the CSDSG minimum width in the VTM for flexibility at constrained locations.</p> <p>ii) 13' curb lane is preferred wherever possible along bus, shuttle and logistics routes</p>
CIMP	PW	8	<p>Construction Impact Mitigation Plan: Prepare a framework of Construction Impact Mitigation Plan (CIMP) to comply with San Jose Municipal Code, Chapter 13.36. The CIMP provides measures to help residents and businesses located in San José through the temporary disruption of major construction projects by requiring, among other things, the owners of the such projects to communicate with the surrounding neighbors prior to and throughout the construction period and to implementing appropriate mitigation measures in an attempt to avoid or lessen potential impacts arising from the construction.</p>	<p>The Developer has provided a "Framework" CIMP at this stage. A detailed CIMP will be provided with each encroachment agreement application.</p>
LTA	PW	9	<p>Local Transportation Analysis Report: Proposed bridge crossing Guadalupe Creek between San Fernando and Santa Clara should be labeled as a foot bridge rather than abicycle/pedestrian bridge.</p>	<p>Agree to this change, implemented</p>

Process	PW	10a	Subsequent Review Term Sheet: Revise/add the following: a) Page 5: Add a new section to include Horizontal Improvement Conformance Review or revise term sheet to clearly show the 35% submittal as the Horizontal Improvement Conformance Review. i) Add stormwater checklist and matrix requirements. ii) Horizontal improvement conformance should align with Focused LTA recommendations.	a) Horizontal Conformance describes submittals including 35%, 65% and 95% i) 95% will be reviewed against City Standard Checklists ii) Noted, reference included.
Process	PW	10b	b) Page 22 Section IV: Add Focused LTA to the referenced documents.	Implemented as a referenced document for consistency for 100%
Process	PW	10c	c) Page 22 Section IV A: Remove the word "Preliminary" and add "Improvement" to Horizontal Review Process.	Implemented
Process	PW	10d	d) Page 22 Section IV. A. 1: Remove "the heads of" any City department from Overview Paragraph.	Implemented
Process	PW	10e	e) Page 23 Section IV A: Remove the word and referenced to "tract" under Horizontal Improvement Review Process.	Implemented
Process	PW	10f	f) Page 23 Section 2b: Reference DPW's Improvement Plan Submittal Checklist.	95% submittal will meet the checklist as stated in Implementation Guide
Process	PW	10g	g) Page 23 Section 2d: Reference DPW's Grading Plan Checklist.	95% submittal will meet the checklist as stated in Implementation Guide
Process	PW	10h	h) Page 23 Section 2h: Private street submittal will be a separate process for layout and plan review. Private Street submittal should also follow DPW's Private Street submittal checklist.	Implemented
Process	PW	10i	i) Page 23 Section 2h: Add "Signing and Striping Plans" to Street Layout Site Plan.	Implemented
Process	PW	10j	j) Page 24, Section 2i: Remove the word "Conceptual" in section heading and add "Drainage Management Areas and Proposed Treatment Control Measures" to the submittal list.	Implemented
Process	PW	10k	k) Page 24: Remove the word "Preliminary" and add Traffic Signal Plan "at signalized intersections at part of the DPW/DOT traffic signal kickoff Meeting process for development project.	Implemented
Process	PW	10l	l) Page 24: Add "Street Light Plan" and "Construction Impact Mitigation Plan" under the Preliminary Review Submittal Requirements.	"Street light plan" has been added to submittal requirements, project-specific Construction Impact Mitigation Plan will be submitted with 65%
Process	PW	10m	m) Page 26 City Review of Horizontal Preliminary Review: Add Infrastructure Plan Documents to the list of documents.	Implemented
Process	PW	10n	n) Page 26 Preliminary Improvement Plans: All review days should be business/working days. 35 days first (65%), 30 days second (95%), and 26 days third (100%) submittals.	Discussion in progress.
Process	PW	10o	Page 27 Final Map and Improvement Plan Submittal Requirements: Add Grading/Drainage Plan. i) Item 1a: Add "Public" to Improvement Plans. ii) Item 1b: Add "residential" subdivision for Private Improvement Plans.	Grading/Drainage included in Horizontal Improvement Plans. i) Implemented ii) We have private streets serving non-residential subdivision and as a result are not including the suggested edit.
Process	PW	10p	p) Page 28 Section 1d: Final map submittal should include DPW's Map Submittal Checklist.	Implemented
Process	PW	10q	q) Page 28 Section 1g: Submit Maintenance Matrix for review.	Included in the Infrastructure Plan
Process	PW	10r	r) Page 28 Section 2: Add "Grading" Plan to Review Process.	Implemented
Process	PW	10s	s) Page 28 Section 3: Coordination with City pavement and infrastructure maintenance will also be required to ensure non-standard materials, details and improvements will not cause City maintenance issues and challenges.	The Maintenance Matrix specifically addresses the maintenance of non-standard materials and elements. The developer will take responsibility of these items
Environmental Services Department (ESD)				

IP	ESD	1	General:1. The Environmental Services Department may not have the resources or expertise to provide review of technical aspects of this development and may require reimbursement to provide the level of review required during the subsequent review process.	Understood. No action needed.
IP	ESD	1	Wastewater and Recycled Water Comments: 1. IP, General: While the “district” systems may only have 1-2 connection points to the City’s sewer infrastructure, any discharge from these connection points must comply with requirements of the Industrial Wastewater Discharge Permit in conformance with the City’s NPDES permit. In the event of “district” system reduction or suspension in treatment service, City must also know the proposed uses and estimated amount and characteristics of wastewater discharges from each parcel in order to protect the City’s sewer infrastructure, ensure compliance with City’s regulatory obligations, and reasonably allocate the cost of City sewer services between parcels in compliance with Prop 218. For these reasons, each parcel must have a submeter and notification of any change in use will be a requirement of the Wastewater Discharge Permit. Each parcel shall have in its deed the requirements to (a) comply with conditions to ensure discharge within the allocated capacity, (b) comply with a pretreatment program, (c) comply with all permits for the onsite wastewater collection and treatment facility from both state and local regulatory agencies; and (d) the obligation to pay for City services in the event of nonpayment by the legal entity responsible for payment of City wastewater collection and treatment services. Please note that the project will comply with all Wastewater Discharge Permit, submetering, and deed requirements (see “Project Conditions” section below).	Each parcel will have a submeter and any change of use will be addressed in the Wastewater discharge permit for the District. (a) Wastewater discharges to the City sanitary sewer have been modeled by the City as presented in Section 7.2.5. The Proposed discharge connection is described in Section 9.2.4.3. As modeled in Scenario 1, there is adequate capacity for the proposed connection. (b) Text has been revised in Section 9.2.4.3 to specifically address the Industrial Wastewater Discharge Permit. (c) Applicant will comply with applicable measures. Permitting requirements are detailed in the DWIS and further address in the conditions of approval relating to District Systems. (d) Applicant and City have discussed the options for monitoring and charging for waste water discharge, with two methods open the parties, 1. Standard Use Charges, with an appropriate charge reduction associated with the amount of potable water offset by recycled water, 2. The application of the fee structure under the monitored industrial discharge permit. The City will select the applicable charge mechanism on receipt of the design through the subsequent approval process. The requirements for inclusion on Deeds is to be discussed further with the City relative to the particular design typology and operation of the system.
IP	ESD	2	IP, General: City understanding is that references to “district” is meant in the general sense and not, for example, as a legal “district”. Please confirm in the text and describe the legal entity of the “district”, including the formation, ownership, management, and how Google intends to assess wastewater and solid waste charges to its various customers.	See IP Section 1.4 for definition of "district system."
IP	ESD	3	IP, General: Please provide details on how the applicant will ensure that waste collection, wastewater collection and treatment, and recycled water rates to district system customers will be based on, and if there will be a standard for limiting the percentage of increase each year.	Text has been revised in IP Section 9.2.4.6
IP	ESD	4	IP, pg. 6: Document states: "It should be noted that full electrification of the site is committed over the use of natural gas with the potential exception of natural gas for limited cooking applications in up to 20,000 SF of retail only." The City continues to advocate for a fully all-electric site for this innovative and high-profile development, in alignment with Climate Smart goals. The City Council approved an updated natural gas infrastructure prohibition ordinance on Dec. 1, 2020 which will extend the prohibition to all building types and this project as of August 1, 2021.	Understood
IP	ESD	5	IP, pg. 6: Document references a “Maintenance Matrix”. City staff notes that it has not yet received for review the Maintenance Matrix (attachment to Development Agreement).	Maintenance Matrix shared with City Staff on 2/3/2021.
IP	ESD	6	IP, pg. 37: Document states: “However natural gas use may be required for certain end uses, such as retail cooking in up to 20,000 GSF.” The City continues to advocate for a fully all-electric site for this innovative and high-profile development, in alignment with Climate Smart goals. The City Council approved an updated natural gas infrastructure prohibition ordinance on Dec. 1, 2020 which will extend the prohibition to all building types and this project as of August 1, 2021.	Understood

IP	ESD	7	IP, pg. 43: Document states: “A PSS [pressure sanitary sewer] operates through a sealed system, eliminating leakages (exfiltration) and stormwater inflow and infiltration (I/I) while also reducing odor issues. The pump station wet wells associated with the PSS will be vented as required by CPC to prevent odorous conditions. If needed, air blowers and odor control units (e.g., carbon filters) may be incorporated into the pump station design.” Please note that the project will comply with all required odor mitigation measures. The City may require additional measures to mitigate against future complaints of public nuisance based on odor such as a deed restriction limiting development or activity that would result in offensive odor production within a specified distance from sensitive odor receptors such as schools, hospitals, nursing homes, etc. (see “Project Conditions” section below).	Applicant will comply with applicable measures.
IP	ESD	8	IP, pg. 44: Document states: “The WRF(s) have been sized to treat up to a maximum wastewater production flow of 1 million gallons per day (MGD).” Please rephrase for clarification that each WRF would treat up to 1 MGD and reconcile this text with the Draft EIR statement that “Based on City modeling, the project could generate wastewater flows of approximately 2.52 mgd.” If the system is inoperable or terminated, how would the 2.52 MGD of estimated wastewater flow be managed if the capacity of the max. of two WRFs in the development is 2 MGD (i.e.1 MGD each)?	<p>If the WRF(s) are offline for any reason, the City sanitary sewer model has demonstrated that all wastewater flows can be handled by the City sanitary sewer under the proposed discharge scenario described in Section 9.2.4.3.</p> <p>The project WW flow estimates account for low-flow fixtures, which are required by LEED and CalGreen. The unit demand factors associated with these low-flow fixtures are significantly lower than the unit demand factors provided by the City of SJ via email (Shelley Guo, July 2020) and in SJ Water’s Water Supply Assessment (WSA) (January 2020), resulting in lower projected WW flows.</p> <p>The project applicant submitted a memorandum to the City with the demand factors used by the project team to estimate the project’s water demand (Sherwood Design Engineers, Technical Memorandum, Downtown West Mixed-Use Project Water Demands, March 18, 2020). These proposed factors include revised demand factors, which would decrease the overall water demand for the project, thereby reducing the amount of wastewater produced.</p> <p>In addition, the proposed pressurized wastewater collection network operates through a sealed system within the utilidor, eliminating any wet weather peaking factors that must be applied to the City gravity sanitary sewer network due to stormwater inflow and infiltration (I/I).</p>
IP	ESD	9	IP, pg. 45: Document states: “These discharges would incur a fee based on the City’s monitored industrial discharge rates.” Monitored industrial discharge rates are not the same as connection fees. The one-time connections to the City sewer infrastructure and to the Regional Wastewater Facility will require a fee to reserve the appropriate capacity for each parcel as distinguished from ongoing service charges, which would also be assessed, based on actual discharge. The rate that applies may vary depending on the final development design, district or direct sewer infrastructure connection(s), wastewater treatment occurring, etc. Please edit to “These discharges would incur a fee, separate from one-time City connection fees which shall be calculated and charged in the same manner as fees charged to other property owners. Rates for usage will be based on the resolution for sanitary sewer service rates adopted by the San Jose City Council.”	Understood, any fee reference has been moved to Development Agreement. Section 9.2.4.3 has been changed to reflect reference to industrial wastewater discharge permit. Text has been added in Section 9.2.4.6 detailing the sewer service and use charge options.
IP	ESD	10	IP, pg. 45: Document states: “Project will have the capacity to irrigate public areas with recycled water produced at the WRF thereby leaving potable water available for other uses.” Please edit to clarify “public areas” (e.g. whether this may include publicly or privately owned parks) being considered for use of recycled water.	Text has been revised in Section 9.2.4.2.

IP	ESD	11	IP, pg. 45: Document states: "This arrangement would add redundancy to the proposed WRF and would avoid the need for the Project applicant to permit a treated water discharge into the environment." Redundancy does not obviate the need for the onsite wastewater treatment and recycled water facility to obtain a permit from the State Water Board as a wastewater treatment plant or at a minimum be subject to the applicable General Order for domestic wastewater treatment plant and other regulations such as monitoring and reporting. The recycled water facility would still be subject to State recycled water quality standards and potentially local regulation of onsite recycled water facility. These state permits and regulatory oversight for the operation of these facilities is in addition to the Industrial Discharge Permit required by the City locally to comply with the City's NPDES permit. Please clarify in text that the permit being avoided is for a fully onsite wastewater processing plant that is not connected to the City's sewer infrastructure.	Text has been revised in Section 9.2.4.3.
IP	ESD	12	IP, pg. 48: Document states: "City-supplied potable water would be used as a backup supply to the recycled water system. Due to the phasing of the Project, potable water would also be used as a supply for non-potable uses until the water reuse facility(s) are constructed and brought online. " Please revise "City-supplied" to "San Jose Water Company-supplied" as the City's municipal water system does not serve the project location.	Text has been revised in Section 9.3.3.
IP	ESD	1	Integrated Waste Management Comments:1. IP, General: Although the City does not currently have a deconstruction ordinance, the City desires to reduce waste and to increase material recovery from development projects in the City. The City recommends the applicant consider submitting a deconstruction plan to recover materials during the demolition process. If a complete building deconstruction is not feasible because of the type of building and its components, a partial deconstruction is advised where the most valuable commodities are salvaged before the demolition takes place. The salvaged material can be sold or donated to resale businesses in the area or can be further incorporated through adaptive reuse into the current buildings set to be constructed. Please reference plans to create and submit a deconstruction plan as applicable.	Understood, applicant proposes this to be included as a requirement for general contractors, but will not incorporate into the formal improvements process.
IP	ESD	2	IP, General: Google's proposal for solid waste will need to comply with certain requirements in the San José Municipal Code including SJMC §9.10.45, 9.10.190, 9.10.457, 9.10.525, 9.10.740, 9.10.750, 9.10.1000.A., 9.10.1010.A., 9.10.1350, 9.10.1380, 9.10.1610, and 9.10.1810. The City is open to the AWCS concept of consolidating waste at collection locations as long as it conforms to the City's solid waste system and is properly permitted. The Applicant should provide more details to confirm waste collection and services to comply with the applicable sections of Chapter 9.10 of the San Jose Municipal Code and the City's Solid Waste Enclosure Area Guidelines (2011 Version, <a href="https://www.sanjoseca.gov/Home/ShowDocument?id=46404">https://www.sanjoseca.gov/Home/ShowDocument?id=46404</a> ), even if the premises will be serviced by the AWCS, in the event of "district" system reduction or suspension in treatment service. The City will make the final determination of which authorized collector (e.g. residential or commercial) will provide service in alignment with City franchise agreements, Municipal Code, and based on final project design and waste management plan submittals.	Understood, applicant has shared compliance with Chapter 9.10 through working sessions.

IP	ESD	3	<p>IP, pg. 45: Document states “Should anaerobic digestion be implemented, co-digestion with food waste collected via the automated water collection system would increase the amount of biogas and biosolids production.”</p> <p>The franchise system limits Google’s ability to collect food waste if it charges a fee for such collection from third parties. If Google collects food waste through the AWCS for free or purchases the food waste, the exclusive franchise would not prohibit Google from using the food waste for anaerobic digestion as ZWED does not have an exclusive right to anaerobically digest food waste. The City understands that the applicant is only contemplating processing food waste together with wastewater sludge in an onsite anaerobic digester. If the project will collect food waste and process it via anaerobic digestion with wastewater sludge, the applicant must include details regarding how it would comply with the City’s franchise agreements, Municipal Code, Senate Bill (SB) 1383, and will be required to comply with all required odor mitigation measures (see “Project Conditions” section below).</p>	<p>Applicant will submit franchise compliance with AWCS and integrated waste management plan through the vertical improvements process. All odor related measures will be complied with through parallel process with recycled water facility.</p>
IP	ESD	4	<p>IP, pg. 54: Document states “The waste is transferred through a single-pipe that pneumatically pulls the waste to one or more central terminal facilities, where each waste stream is deposited into the appropriate container.” Solid waste generators are required to take measures for odor mitigation at all solid waste storage and processing locations under City Municipal Code, including SJMC §9.10.430(A), 9.10.430(D), 9.10.430(F), 9.10.450(C), 9.10.840, and 9.10.1395. CalRecycle also requires an Odor Impact Minimization Plan for certain waste facilities. Please note that the project will comply with all required odor mitigation measures (see “Project Conditions” section below).</p>	<p>Noted. Additional clarifications on the AWCS alignment with the SJMC and CalRecycle can be found in the Google Slide deck from December 16, 2020 (transcribed below).</p> <p>2/23/2021 update:</p> <p>9.10.430 (A): Project Intent: The proposed AWCS-based management plan will meet this criteria. Waste into the AWCS system will be contained within bags of sufficient strength and durability avoid rupture during the consolidation process. Within the terminals, the bins will be covered metal roll-off containers and/or compactors. Within the buildings, the residual waste rooms will contain San Jose’s typical waste bins.</p> <p>9.10.430 (D,F), 9.10.450 (C): The proposed AWCS-based management plan will meet these criteria to prevent odors.</p> <p>Maintaining the vertical waste chutes:</p> <p>Self-closing and self-latching access doors with sealed with electronic interlocks;</p> <p>Flushing spray sprinkler heads with disinfecting and sanitizing (D&amp;S) solution;</p> <p>Code-required external roof vents 3’ above roof surface ;</p> <p>Maintaining the horizontal pipe network</p> <p>Custom sphere with chains as physical scrubbers;</p> <p>Sanitizer/cleaning fluid as de-scaler;</p> <p>Sealed pipe network with manual cleanouts;</p> <p>Maintaining the terminal</p> <p>Air scrubbers/filters present to clean air before discharging;</p> <p>Waste bins/compactors sealed avoid access from vermin;</p> <p>Bins cleaned and exchanged frequently as waste is hauled;</p> <p>Centralized operations and oversight for strict facility cleaning regiments.</p> <p>9.10.840, 9.10.1395: he AWCS terminals plan to house the containers indoors within the terminal building. The containers will also have features to comply with the requirements of the City, including coverings, avoiding offensive odors and harboring vermin.</p>

IP	ESD	5	IP, pg. 54: Document states: "All components of the waste management system would be owned and managed by the Project applicant, and interface with the City's waste franchisee for waste hauling." The owner of the solid waste itself is owned by the generator until discarded in a container for disposal. The Project applicant will be the owner of the infrastructure, however. Please clarify the meaning of "all components".	Components defined: Generally, the infrastructure within each buildings (i.e. chutes, valves), horizontal pipe network, the AWCS terminal building, including equipment and software. The owner of the solid waste itself shall comply with the Municipal Code.
IP	ESD	6	IP, pg. 54: Document references "a flatbed waste collection truck". A flatbed truck is not typically used for waste collection. A roll-off waste collection vehicle is typically used to service waste compactors by the commercial collection franchisee, Republic Services. Please change "a flatbed waste collection truck" to a "roll-off waste collection truck".	Noted
IP	ESD	7	IP, pg. 54: Document states: "The Project is considering a custom food scrap stream to allow for direct transfer to an anaerobic digestion facility (ZWED), bypassing an intermediate waste sorting facility." Under the current municipal agreement with ZWED (effective date May 1, 2020), all wet waste from commercial streams in San Jose is delivered directly to ZWED without sorting at an intermediate materials recovery facility. Please revise the document to accurately describe the current commercial system.	Noted
IP	ESD	8	IP, pg. 54: Document states: "glass-only bags of waste would need to be hauled via traditional means. Cardboard will generally not be used in AWCS but hauled via traditional means." Under the Municipal Code, no person owning or occupying a commercial premise may share a garbage, recycling material or rubbish container with another commercial premise if sharing such a container contributes to the transportation of material on or across any public street (excluding alleys between the affected commercial premises) or will have an adverse effect on the flow of vehicular or pedestrian traffic. Therefore, Google may not transport solid waste itself on or across public streets to its centralized location. Please clarify if "hauled by traditional means" means Google plans to haul the transport the streams that won't enter the AWCS with Google-owned vehicles or plans to subscribe to waste collection services from the City's authorized hauler.	<p>In this context, "traditional means" refers to collecting this waste within the residual waste storage room present within each building. Transporting material on or across public streets is not being proposed.</p> <p>2/23/2021 update: The AWCS shall comply with the Municipal Code, including respecting existing commercial/multi-family waste franchise agreements. Each building retains capacity to haul away waste in the traditional manner via residual waste rooms, also in compliance with the Municipal Code.</p>
IP	ESD	9	IP, pg. 54: Document states: "Additional residual waste streams not transported by the AWCS would be collected by a vehicle from each building." As stated above, collection of solid waste from a residential or commercial premise must be performed by an authorized collector, depending on the use of the premises, and shared containers between different commercial premises is not permitted if it will lead to transportation of solid waste on or across any public street or have an adverse effect on the flow of vehicular or pedestrian traffic. The City is open to the AWCS concept as long as it conforms to the City's solid waste system and is properly permitted. Please clarify whether Google intends for the other residual waste streams not transported by the AWCS, or for that matter waste from buildings that cannot be connected to the AWCS, to be serviced by Google or by one of the City's authorized collectors.	<p>Non-AWCS waste ("residual waste") to be serviced by one of the City's authorized collectors.</p> <p>2/23/2021 update: The AWCS shall comply with the Municipal Code, including respecting existing commercial/multi-family waste franchise agreements. Each building retains capacity to haul away waste in the traditional manner via residual waste rooms, also in compliance with the Municipal Code. This capacity includes allowing for waste truck access at each building as required in San Jose's Solid Waste Enclosure Area Guidelines for New Construction and Redevelopment Projects. City's authority to make final determination is noted.</p>

IP	ESD	10	<p>IP, pg. 54: Document states: “The Project is considering various strategies to manage solid waste, including an automated waste collection system (AWCS). The AWCS option comprises a main pressurized pneumatic pipe that runs below grade, primarily within the proposed utilidors. Individual buildings are connected to the main AWCS trunk via below-grade laterals. The computer-controlled system would allow for the collection of a variety of solid waste streams via waste inlets distributed within the buildings and at select exterior locations. The waste is transferred through a single-pipe that pneumatically pulls the waste to one or more central terminal facilities, where each waste stream is deposited into the appropriate container.” Solid waste is traditionally placed in container bins where it is left for collection from the premises by truck across public streets. However, the AWCS concept is novel and the Municipal Code does not specifically address a system where solid waste is transported automatically from the generator’s garbage container to a central location via pneumatic tube. The City is open to the AWCS concept as long as it conforms to the City’s solid waste system and is properly permitted. Google may not engage in the business of collecting, transporting, or disposing of solid waste, meaning it cannot charge a separate fee for the collection and transportation of discarded solid waste to third parties, and when the solid waste generated from the development is ultimately collected for processing or disposal such collection will need to be performed by a solid waste collector authorized by the City in accordance with the Municipal Code. The City will make the final determination of which authorized collector (e.g. residential or commercial) will provide service in alignment with City franchise agreements, Municipal Code, and based on final project design and waste management plan submittals.</p>	<p>Additional clarifications on the AWCS alignment with the SJMC can be found in the Google Slide deck from December 16, 2020. Continued interface with the City is expected. City’s authority to make final determination is noted.</p> <p>2/23/2021 update: The AWCS shall comply with the Municipal Code, including respecting existing commercial/multi-family waste franchise agreements. Each building retains capacity to haul away waste in the traditional manner via residual waste rooms, also in compliance with the Municipal Code. This capacity includes allowing for waste truck access at each building as required in San Jose’s Solid Waste Enclosure Area Guidelines for New Construction and Redevelopment Projects. City’s authority to make final determination is noted.</p>
DWDSG	ESD	1	<p>Downtown West Design Standards and Guidelines (DWDSG) General:1. DWDSG, pg. 323: Please edit if “Infrastructure Standards” refer to “Improvement Standards” in this excerpt: While this section provides an overview of the district systems, see the Downtown West Infrastructure Standards and Infrastructure Plan for more information.</p>	<p>Updated text to reflect comment.</p>
DWDSG	ESD	1	<p>Wastewater and Recycled Water Comments: 1. DWDSG, General: With respect to the connection/capacity fees to both the City wastewater collection system and to the Regional Wastewater Facility – the maximum capacity must be allocated to the applicable parcel prior to connection of the onsite facility to the City system and such capacity shall be recorded in the deed for each parcel. Capacity may not be transferred between parcels, and no development that would cause the parcel to exceed its allocated capacity should be approved before fees are remitted for additional capacity (in alignment with SJMC §15.16.510 and SJMC §15.16.730). Please note that the project will comply with all deed requirements (see “Project Conditions” section below).</p>	<p>Capacity for each parcel and for the entire system will be defined through the subsequent approval process. The capacity of each parcel will be confirmed through the conformance review, ensuring visibility and review by the City. The connection to the City network from the on site plant will be completed prior to phased design of the majority of parcels. Therefore a phased confirmation of parcel capacities will be provided. The fees and capacities will be managed inline with the San Jose Municode. The requirement for inclusion on Deeds is to be further discussed with the City relative to the design typology and operation of the systems.</p>
DWDSG	ESD	2	<p>DWDSG, General: Wastewater Treatment and Water Use facilities must be permitted by the State Water Board. Odor emission from development must comply with BAAQMD regulations including for onsite wastewater treatment facility and an additional permit if the project is within 1,000 feet of a school. Please note that the project will comply with all BAAQMD permit requirements (see “Project Conditions” section below).</p>	<p>No change in DWDSG. Permitting requirements are listed in the DWIS not the DWDSG. BAAQMD and State Water Board are listed in the DWIS, Section 5.5.</p>
DWDSG	ESD	3	<p>DWDSG, General: In order to control for discharges by individual parcels that exceed pretreatment standards, the development shall require that all properties comply with a pretreatment program that is as stringent as the City’s pretreatment program and agree to be subject to the Wastewater Discharge Permit. Please note that the project will comply with all Wastewater Discharge Permit requirements (see “Project Conditions” section below).</p>	<p>No change in DWDSG. See IP section 9.2.4.3 where comment has been addressed.</p>

DWDSG	ESD	4	DWDSG, General: Discharge from the onsite wastewater facility will be required to comply with the Wastewater Discharge Permit under San Jose Municipal Code Chapter 15.14. The distribution of recycled water is subject to state recycled water quality standards and could be subject to local regulation of onsite recycled water facilities after December 2022. Please note that the project will comply with all Wastewater Discharge Permit requirements (see "Project Conditions" section below).	No change in DWDSG. See IP section 9.2.4.3 where comment has been addressed with regard to the Wastewater Discharge Permit. Applicant will comply with applicable measures and looks forward to updates from the City on the formation of a local (County/City) program per Senate Bill 966 after December 2022.
DWDSG	ESD	5	DWDSG, pg. 387: Each building must have submeters for wastewater, recycled water and potable water. A list of uses in any given year shall be submitted to the City so the City can send Prop 218 notices and apply the appropriate rate to each parcel in the event there is a direct discharge to City infrastructure for City treatment. This could happen if the on-site treatment facility is offline for repairs or diminished treatment or experiences a failure. To ensure that each parcel will agree to a lien to be placed on their parcel, any transfer of a parcel within the development must include a recorded covenant that runs with the land agreeing to the payment of their share of the unpaid wastewater collection and treatment services from the City. See "Project Conditions" section below. Add requirement for submetering of waste, wastewater, and recycled water at the building level and requirement to obtain and adhere to all applicable permits and regulations during construction and operations in the Conformance Review Checklist to ensure compliance in early design.	No change in DWDSG, this comment reference is mislabeled. See II.B.2.f of Implementation Guide
DWDSG	ESD	1	Stormwater Comments: 1. DWDSG, pg. 236: The City's initial comment was that "All streets adjacent to Google development should be converted to green streets. This is consistent with the project foundations outlined on sheet 2.04 to provide high levels of sustainability and excellence in design." And the applicant response was to "See the Mobility Chapter of the Downtown West Design Guidelines and Standards." The City's Green Stormwater Infrastructure Plan identifies the Diridon Station Area as being high or med-high for constructability prioritization of Green Streets. If the intent is to comply with the City's initial comment for "Green Streets", please specifically list the Green Stormwater Infrastructure Plan under "key regulatory documents" (pg. 239) and include "Green Streets" reference(s) in the appropriate Standard(s) within the Mobility section of the Design Guidelines.	Updated to add Green stormwater Infrastructure plan to the list of key regulatory documents with following description  Additionally, updated stormwater section to read "As part of the integrated approach to stormwater management, the Project complies with all stormwater management requirements <b>[DELETE for both quantity and quality]</b> as provided by the City of San José Green Stormwater Infrastructure Plan (GSI Plan) <b>[DELETE and the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP)]</b> . The Project meets these requirements <b><i>through Green Streets by implementing applicable GSI strategies consistent with recommendations in The Complete Streets Design Standards and Guidelines "Stormwater Management through Green Street Design," which focus on a variety of street-integrated planters.</i></b> Planters should be incorporated as appropriate for managing rainwater and providing additional buffering between the sidewalk through zone or protected bikeway and a travel or dynamic lane. Stormwater planters should include climate adaptive plants that can thrive in low levels of water and grow in a filtration medium. Trees are encouraged to increase evapotranspiration in the wet season and shading in the summer. Trees within stormwater planters should have adequate soil volumes."
Civil Sheets	ESD	1	Infrastructure Plan Sheets (IPS) Integrated Waste Management Comments: 1. General: a. Current IPS do not show the location of the solid waste central terminal facility (ies). Each central terminal facility will require a solid waste enclosure or solid waste room. To comply with City Council Policy 6-29, drainage within a solid waste enclosure or solid waste room should be connected to the sanitary system. b. Ensure compliance with the Solid Waste Enclosure Area Guidelines (2011 Version) <a href="https://www.sanjoseca.gov/Home/ShowDocument?id=46404">https://www.sanjoseca.gov/Home/ShowDocument?id=46404</a> .	Location of terminals to be reviewed and addressed in IP sheets. Note final location is not confirmed - will sit within infrastructure zones shown on plans.

DWIS	ESD	1	Wastewater and Recycled Water Comments:1. DWIS, pg. 15: Document Section 5.1 states: "Private district systems will conform to a combination of City of San José standards as well as additional location, state, and national standards which are utility-specific. If a utility system will not be regulated by the City of San José, the governing agency is detailed below." Yet, Section 5.4 – Wastewater Collection makes it seem as only the State's plumbing code applies. Section 5.4 should reference the need for an NPDES permit and that EPA Part 503 Rule will apply if "onsite solids management" is implemented as noted in the Infrastructure Plan. For example, Section 5.5 – Water Reuse Facility is more thorough in that it has a bulleted list of applicable federal, state, and local requirements.	Section 6.4 in the revised DWIS addresses only the pressured wastewater collection system routed in the utilidor. NPDES and EPA Part 503 Rule are applicable to the WRF facility itself, which is covered in Section 6.5 in the revised DWIS. Reference to EPA Part 503 Biosolids Rule has been added to Section 6.5.
DWIS	ESD	1	Integrated Waste Management Comments: 1. DWIS, pg. 19: Document states: "Each AWCS terminal will require a CalRecycle Full Permit as a waste transfer station. The San José Planning, Building and Code Enforcement Department will act as CalRecycle's Local Enforcement Agency (LEA)." Note that even though the facility may obtain a permit as a waste transfer station, the solid waste received may only be collected by the City's franchise hauler as required under the San Jose Municipal Code. Edit as follows to clarify the City's role related to the LEA: "Each AWCS terminal will require a CalRecycle permit as a waste transfer station. The CalRecycle's Local Enforcement Agency (LEA) is housed in the San José City hall office of Planning, Building and Code Enforcement."	Noted, text has been revised in section 6.10
DWIS	ESD	2	DWIS, pg. 20: Document Section 5.10 "Solid Waste Management" lists "San Jose Municipal Code Chapter 9, Part 10". "San Jose Municipal Code Chapter 9, Part 10" is an incomplete reference. Change "San José Municipal Code Chapter 9, Part 10" to "Chapter 9.10 Solid Waste Management".	Noted, text has been revised in section 6.10
DWIS	ESD	3	DWIS, pg. 20: Document Section 5.10 "Construction Waste Diversion" lists "San José Municipal Code Chapter 9, Part 15". "San José Municipal Code Chapter 9, Part 15" is an incomplete reference. Change "San José Municipal Code Chapter 9, Part 15" to "San José Municipal Code, Chapter 9.10, Part 15".	Noted, text has been revised in section 6.10
DSAP	ESD	1	Amendments to 2014 DSAP (ADSAP) Stormwater Comments: 1. DSAP, pg. 4: The Streetscapes section notes "Figure 3-4-1 should be amended to reflect Downtown West. The text describing the street typologies should be further refined to clarify that street design is governed by the Complete Streets Standards and Guidelines, DWDSG and VTM, and the figures of the cross-sections (Figures 3-4-2 - 3-4-6) are illustrative." Please add reference to Green Stormwater Infrastructure Plan and note the Green Streets prioritization for the Diridon Station Area.	Applicant has proposed minimal edits to the 2014 DSAP, which currently reference Green Streets. Applicant additionally references the Green Stormwater Infrastructure Plan (and other stated documents) in the DWDSG.
Process	ESD	1	Term Sheet: 1. Pg. 1: Document states in Section "1", "Overview of Subsequent Review": "The Planned Development Permit (PD Permit), which effectuates the PD Zoning District, includes the Downtown West Design Standards and Guidelines (DWDSG), the Downtown West Improvement Standards (DWIS), and the Conceptual Infrastructure Plan Sheets." Add reference to "Infrastructure Plan".	The Infrastructure Plan is an exhibit of the Development Agreement, not part of the PD Permit. Reference to Infrastructure Plan to be addressed within the the Final Map and Improvement Plans: Horizontal Developments
Process	ESD	2	Pg. 1, Section B: Add reference to "Infrastructure Plan".	Implemented
Process	ESD	3	Pg. 3, Section 2: Add the following item "Location of potable water, wastewater, and recycled water submeters on all proposed buildings."	Implemented

Process	ESD	4	<p>Pg. 24, Section “2.j.” Consider movement to vertical review section and edit as follows (edits shown in bold and strikethrough): “Waste Management Plan, including the location and specifications of the solid waste enclosure or room, including dimensions, roofing structures, and drainage; number of waste containers to be placed inside the enclosure or room, the types of containers to be used, and the frequency of collection; the circulation plan for the hauler to enter and exit the site; and waste pick-up location; commercial and residential premises waste management plan in the event of service reduction or termination; locations of, collection plans, and style of public litter cans that would be placed in the public right of way; and, planned handling of special wastes (e.g. biosolids if applicable). Plan must demonstrate compliance with:</p> <ul style="list-style-type: none"> <li>• Onsite waste collection space and truck collection access in accordance with the applicable sections of the City’s Solid Waste Enclosure Area Guidelines (currently 2011 Version, <a href="https://www.sanjoseca.gov/Home/ShowDocument?id=46404">https://www.sanjoseca.gov/Home/ShowDocument?id=46404</a>.)</li> <li>• City Council Policy 6-29, wherein drainage within a solid waste enclosure or solid waste room should be connected to the sanitary system,</li> <li>• SB 1383 for organics handling/ diversion requirements, and</li> <li>• Applicable Municipal Code and franchise agreements.</li> </ul>	Agreed, moved to Vertical Application requirements
Process	ESD	5a	<p>Include the following additional requirements in the review process for vertical and/or horizontal improvements:</p> <p>a. District systems plan including waste, wastewater, and recycled water management strategies.</p>	A district systems Implementation Plan will be submitted at 35% in line with the VTM Conditions of Approval. In addition the specific design for District Systems will be integrated into the respective horizontal and vertical submittals on the project.
Process	ESD	5b	<p>b. Onsite Wastewater/Recycled Water District Systems Design Review by the State Water Board, Santa Clara County Department of Public Health (DPH) as required, including review of the engineering report and any technical comments on tertiary filtration and disinfection unit processes.</p>	Noted, required State Approvals are addressed in the Infrastructure Plan and VTM Conditions of Approval.
Process	ESD	5c	<p>c. Odor Controls including:</p> <p>i. Conformance with Odor Mitigation Measures for Wastewater (AQ-5), including a Hydrogen Sulfide and Odor Management program (HSOM Program) at each water reuse facility (WRF) for review and approval by the ESD Director.</p> <p>ii. Demonstration of Odor Mitigation Measures for Waste at Collection Terminals in alignment with SJMC §9.10.430(A), SJMC §9.10.430(D), SJMC §9.10.430(F), SJMC §9.10.450(C), SJMC §9.10.1395, and SJMC §9.10.840.</p> <p>iii. Demonstrated compliance with CalRecycle requirements for an Odor Impact Minimization Plan (as applicable).</p> <p>iv. The City may require additional measures to mitigate against future complaints of public nuisance based on odor such as a deed restriction limiting development or activity that would result in offensive odor production within a specified distance from sensitive odor receptors such as schools, hospitals, nursing homes, etc.</p>	Noted, this is addressed in the EIR, Infrastructure Plan and VTM Conditions of Approval.

Process	ESD	5d	<p>d. Applicable Wastewater, Recycled Water, and Waste Permits including:</p> <p>i. Onsite wastewater treatment and recycled water facility permits from applicable State and local agencies including the State Water Board for the appropriate Class wastewater treatment plant and, at a minimum, be subject to the applicable General Order(s) for domestic wastewater treatment plants, general waste discharge requirements for biosolids, and other regulations such as monitoring and reporting.</p> <p>ii. County permit, if the County exerts jurisdiction over the onsite wastewater/ recycled water system, or the City, if it adopts a permitting process in the future</p> <p>iii. Permitted as a waste transfer station in accordance with PRC 40200(a). The specific permit required from CalRecycle is based on the tonnage the inbound tonnages/day: <a href="https://www.calrecycle.ca.gov/swfacilities/permitting/facilitytype/transfer">https://www.calrecycle.ca.gov/swfacilities/permitting/facilitytype/transfer</a>.</p> <p>iv. BAAQMD Permit for an onsite wastewater treatment facility and an additional permit if the project is within 1,000 feet of a school.</p> <p>v. City Wastewater Discharge Permit, to be updated at minimum annually or more frequently as needed, including:</p> <ol style="list-style-type: none"> <li>1. Proposed uses and estimated amount and characteristics of wastewater discharges from each building</li> <li>2. Requirement to adopt a pretreatment program for its properties that is aligned with the City's pretreatment program and NPDES requirements</li> <li>3. Requirement to maintain records of monthly flow, production changes, closures, wastewater sampling records, etc. and to notify the City in the event of a change in ownership, use, or a tenant</li> <li>4. Maintenance of compliance with other permits outside of the City's jurisdiction</li> </ol>	Noted, required State and County Approvals are addressed in the Infrastructure Plan and VTM Conditions of Approval.
Process	ESD	5e	e. Copies of all required State design review approval(s) and permit(s) for wastewater and recycled water systems.	Noted, this is addressed in the Infrastructure Plan and VTM Conditions of Approval.
Process	ESD	6	Pg. 29: Document states: "[The criteria for a minor deviation, non-material amendment, and material amendment are in progress.]" Please provide for City review.	Implemented in the DWIS and Infrastructure Plan.
Process	ESD	7	Pg. 24, Section "2.e." references the "Maintenance Matrix. Please provide for City review.	Maintenance Matrix is included as part of the Infrastructure Plan
Process	ESD	8	Pg. 23, Section "2.e." revise as shown in bold: "Summary of all infrastructure proposed for public dedication, including whether such proposed publicly-dedicated infrastructure is consistent with the Maintenance Matrix (Exhibit to the Development Agreement <b>and reflecting all permitting requirements</b> ), as it may be amended from time to time.	The Downtown West Conformance Review Implementation Guide establishes a Conformance Review process for horizontal improvements, which occurs prior to the submittal of the 100% Improvement Plan Set, where the project sponsor will submit 35%, 65%, and 95% improvement plans to provide City departments the opportunity to review and comment the plans and check for consistency with the Infrastructure Plan, applicable standards in the DWDSG, DWIS, the Encroachment Agreement (and Encroachment Diagram included therein), applicable standards and guidelines in the DDG and CSDSG, and other applicable Project approvals and documents.
<b>Planning, Building and Code Enforcement (PBCE)</b>				
GDP	PBCE	Page All	a) Each Page should reference the PD Zoning District File Number PDC19-039.	Implemented
GDP	PBCE		b) For any reference to a permit, e.g., Administrative Permit, Special Use Permit, Planned Development, please capitalize the name of the type of permit.	Implemented
GDP	PBCE		c) In the Development Standards and exhibits, there should be a note that text in the Development Standards takes precedence over the illustrations and exhibits on the Planned Development Plan Set.	Implemented on Sheet 3.02

GDP	PBCE		<p>d) Please provide a summary exhibit that summarizes the different types of permits that may be issued, and to the extent possible the criteria that would clearly distinguish which permit type is required. The following are the different types of permits, reviews, and entitlements included in the Development Standards.</p> <p>a. Conformance Review Vertical Improvements and Open Space</p> <p>b. Final Maps and Improvement Plans: Horizontal Improvements</p> <p>c. Administrative Use Permit</p> <p>d. Interim Use Certificate</p> <p>e. Interim Use Permit</p> <p>f. Temporary Use Certificate</p> <p>g. Temporary Use Permit</p> <p>For example, a drinking Establishment in the land use table requires an Administrative Permit but may also be allowed as in Interim Use Permit. Aside from time restrictions, please identify any other criteria to distinguish the difference. Additionally, please clarify whether interim uses would be subject to the conditions of the Administrative Permits.</p> <p>Some of the distinctions have to do with permit duration or permanence of the development of the structures. These distinctions and criteria need further refinements to ensure the clarify of the application of the various types of approvals.</p>	Implemented, see Table 4.03.1
GDP	PBCE	Page 3.02	a) Any references to the Development Agreement may need further refinement once the Development Agreements details are available.	Noted.
GDP	PBCE	Page 3.02	b) Clarify what request or changes are meant by "The project sponsor may request that an additional or modified development standard..."	This sentence has been removed.
GDP	PBCE	Page 3.02	c) Populate and update the Table 3.02.3 Parking table.	Updated on Sheet 3.02
GDP	PBCE	Page 4.01	a) Under the legend, you mention Table 20-140; please include a reference to the Municipal Code table.	Updated to reference "Sheet 4.02".

GDP	PBCE	Page 4.02	<p>a) Include a section that lists universal conditions for all Administrative Permits; for references include, but are not limited to:</p> <p>a. Nuisance – This use shall be operated in a manner that does not create a public or private nuisance, as defined in the Municipal Code. Any such nuisance shall be abated immediately upon notice by the City.</p> <p>b. Amplified music - Outdoor areas for entertainment, including areas with roof openings, shall not be allowed where noise adversely impacts the surrounding area. Hours of operation and/or amplified sound shall not be permitted after 10:00 p.m. Additional conditions may be imposed such as direction of speakers, and sound level restrictions.</p> <p>c. Anti-Graffiti - The permittee shall remove all graffiti from buildings, fences, and wall surfaces within 48 hours of defacement.</p> <p>d. Anti-litter - The site and surrounding area shall be maintained free of litter, refuse, and debris. The operator of the proposed use shall clean the public right-of-way immediately adjacent to the subject site before 8:00 am each day, unless it is a participant in a Property Business Improvement District which provides such sidewalk cleaning services for the neighborhood in the vicinity of the project site, including the immediately adjacent public right-of-way. Mechanical equipment used for outside maintenance, including blowers and street sweepers may not be used between 10:00 p.m. and 6:00 a.m. daily.</p> <p>e. Compliance with Local, State, and Federal Laws. The subject use shall be conducted in full compliance with all local, and state, and federal laws.</p> <p>f. Refuse. All trash and refuse storage areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the trash or refuse container(s). Trash areas shall be maintained in a manner to discourage illegal dumping.</p> <p>g. Outdoor Storage. No outdoor storage is allowed or permitted unless designated on the Approved Plan Set.</p> <p>h. Operational Hours. This use shall be limited to operation between the hours of 6:00 a.m. to 12:00 a.m. (midnight), unless a Permit, as applicable, is approved by the City for other hours of operation. (Or subject to hours in the Development Standards)</p> <p>i. Term. If the use authorized by the Administrative Permit is discontinued for a period of 12 months, the permit will expire and the Administrative Permit will no longer be in effect.</p> <p>j. Loading Activity Hours. All loading activities shall be limited to the hours of 6:00 a.m. to 9:00 p.m.</p>	Updated on Sheet 4.02
GDP	PBCE	Page 4.02	b) Outdoor vending- please verify if you would modify the parking requirements, given the district parking approach of the project	Updated on Sheet 4.02
GDP	PBCE	Page 4.02	c) Live entertainment. Please clarify hours of operation and consider using a table to summarize the hours and operation.	Updated on Sheet 4.02
GDP	PBCE	Page 4.02	d) Please define what qualifies as an event.	Discussed with PBCE, definition is not required.
GDP	PBCE	Page 4.03	a) See above comments about summarizing the various type of permits and providing further refinement on what would require an Interim/Temporary Use Permit.	See Sheet 4.03, 4.04, 4.05

GDP	PBCE	Page 4.03	b) The process table for Temporary Uses and Interim uses states that these uses are permitted at any time pursuant to the requirements of the General Development Plan. Aside from duration and references to the GDP, DWIS, DWDSG, there are few other criteria. Similar to an Administrative Permit, additional criteria and conditions should be incorporated into this section, including requiring coordination with other responsible City departments.	See Sheet 4.03, 4.04, 4.05
GDP	PBCE	Page 5.02	a) Please note that the PD Permit is what authorizes the tree removal; therefore, additional details are needed for the phasing, review and tracking of the tree removal.	Updated on Sheet 5.02. Phasing of tree removal is to be addressed in Project Conditions of Approval.
GDP	PBCE	Page 5.02	b) Similar process and language are needed for Demolition Phasing, and permit triggers.	Demolition phasing is to be addressed in Project Conditions of Approval.
GDP	PBCE	Page 8.01	a) The Subsequent Review Term Sheets need additional incorporation into this section of the Planned Development Plan Sheets and associated documents as it applies.	Updated on Sheet 8.01 and 8.02.
Process	PBCE	Section I.A	Please clearly define and provide examples of what would be categorized as vertical improvements (e.g. new construction, rehab of existing structures)	Vertical Improvement is a defined term in the DA
Process	PBCE	Section II.A.1	a. In the program of land use, please clarify when and if the following information may be included: operation plans, e.g. hours of operation, live music, and other operation information to determine consistency with the Development Standards of the PD Zoning.	Besides primary uses like (residential, office, active use), specific uses may not be identified until after the conformance review, or evening building permit process. Use identification and operational aspects will be identified during TI permitting.
Process	PBCE	Section II.A.1	e. Provide information on how parking will be tracked during conformance review and as the project progresses.	Implemented, see Vertical Application requirements in Implementation Guide
Process	PBCE	Section II.A.1	e. Provide the location of the parking (on-site, off-site), and for on-site parking provide information on the type of parking, e.g. stacking, tandem, etc.	Implemented, see Vertical Application requirements in Implementation Guide
Process	PBCE	Section II.A.1	f. Additional information may be required subject to Housing Department conditions and requirements for income requirements for affordability.	Implemented, see Vertical Application requirements in Implementation Guide
Process	PBCE	Section II.A.1	i. For the data table identifying the square footage of development, please ensure it includes the entire project area covered in the PD Zoning and not the specific project area of the conformance review application.	Implemented, both are required Vertical Application submittal requirements per Implementation Guide
Process	PBCE	Section II. A 2	Provide a demolition and tree removal plan sheet and include information on the timing of tree removal (tree removal done at/prior demolition or grading?)	Implemented. Timing will be addressed as a Project Condition.
Process	PBCE	Section II. A 2	Indicate waste/trash facilities as applicable	Implemented
Process	PBCE	Section II C	1. Include the Development Agreement as a conformance review document.	Implemented in GDP
Process	PBCE	Section II C	3a. While illustrations may be refined, it should be noted that text takes precedent over the illustrations for the Development Standards of the Planned Development Zoning.	Implemented in GDP
Process	PBCE	Section II E	Additional clarification on the deferral items and explanation on what can be provided at the project review and what details may be deferred at other stages of the review.	Implemented, see Conformance Checklists (Appendix C.1, C.2 and C.3 of the DWDSG)
Process	PBCE	Section III	Additional coordination and refinement are needed for the timeline and submittal document requirements. As the other documents are further refined, this timeline would need to be updated.	Under discussion
Conformance Review Form	PBCE		If an implementation guide is developed, the conformance review form would need to be incorporated and updated to match the final version of that guide and the final conformance review process.	See Implementation Guide and GDP for full description of Conformance Review.

GP	PBCE		Additional modifications and refinements are necessary to proposed text amendment to General Plan Land Use Policy LU-1.9 to ensure clarify and consistency with the goals and policies of the General Plan.	Language has been updated in this submittal.
<b>Planning, Building and Code Enforcement - Environmental (PBCE - ENV)</b>				
DWDSG	PBCE - ENV	Page 14	Under "Environmental Impact Report," please add the following language or something similar to acknowledge that the MMRP prevails over standards in the DWDSG because the DWDSG does not cover all measures in the MMRP: "In the event of a conflict between the terms of the Design Standards and Guidelines and the Mitigation Measures included as part of the Mitigation Monitoring and Reporting Plan adopted by City Council (Resolution No. XXXX), the terms of the Mitigation Measures shall prevail."	Updated language to read "In the event of a conflict between a standard under this DWDSG and the MMRP adopted by City Council (Resolution No. XXXX), the terms of the MMRP shall prevail."
GDP	PBCE - ENV	Page 57	<p>S3.4.4 (Interim use locations): For interim uses proposed for blocks D8, D9, D10, D11, D12, and D13, the asterisks for Active Uses in Table 4.01.1 of the GDP refer to conditions in Sheet 5.02, but that sheet shows "Existing Ordinance Trees, Waterways and Natural Features." In addition, in the list of exceptions provided for the standard, "374" is listed without the rest of the address or descriptive information. Also, publicly circulated EIR currently states "Active programs would be kept outside the 50-foot riparian setback, with the exception of programming within the boundary of existing buildings on Blocks D8, D9, D10, D11, D12, and D13. However, language of S4.8.4 (Controlled features within the Los Gatos Creek Riparian Setback) contradicts S3.4.4 (i.e., no active programming w/ 50-foot setback). Add cross-reference between the for clarity.</p> <p>Table 4.03.1 Summary of Use Permit Process in PD/GDP currently includes a footnote that states "Interim and temporary uses may be approved outside of the Zoning/Design Conformance Review process," which does not seem appropriate considering these uses are proposed for the walk at South Autumn Street. Parcels in this area intrude into the riparian corridor, and standards in the DWDSG/conformance checklist are necessary to prevent impacts analyzed in the DEIR assumed to be mitigated by these standards. Please clarify the approval and review process for interim/temporary uses.</p>	Interim uses were removed from the DWDSG entirely (see GDP).
DWDSG	PBCE - ENV	Page 74	FIGURE 4.6: Open space categories diagram. Clarify in the legend or figure what the setback distance shown on the figure is.	Legend items have been updated to clarify 50-foot riparian corridor is reflected in darker green color (within dashed lines).
DWDSG	PBCE - ENV	Page 83	4.8 Relationship to Riparian Corridors. The definition for "Riparian Setback" states that there is a "...limitation of new construction within a certain distance from a riparian corridor and is measured from the riparian corridor..." Change to "limitation of new construction and certain land uses and activities," since limitations are not only associated with new structures (see Policy 6-34).	Updated Text, and also expanded description in the second paragraph of the section intro to better describe Riparian Corridor Policy Study and Policy 6-34: Section A
DWDSG	PBCE - ENV	Page 214	In the introduction paragraph after "5.15 Historic Resources," delete "Nation."	Updated text edit.
DWDSG	PBCE - ENV		The requirement to comply with the Mitigation Monitoring and Reporting Program (MMRP) is not currently referenced in the DWDSG and associated Conformance Checklist. The MMRP should be attached to the Conformance Checklist or included as an appendix and referenced in the checklist. Suggest adding the requirement to comply with the MMRP to the beginning of the list, so planners reviewing proposed development can start MMRP compliance coordination to avoid potential delays.	Updated language in reference to the MMRP in both document overview and appendix C to read "The DWDSG is consistent with and will be implemented in a manner in compliance with the MMRP approved by the City Council."

GDP	PBCE - ENV		<p>The requirement to comply with the conditions and fees of the Santa Clara Valley Habitat Plan (Habitat Plan) needs to be added. The following City standard permit condition is required to be include in the PD permit/DWDSG (see next comment). Note that standard permit conditions are referred to as a standard condition of approval in the Draft Environmental Impact Report (DEIR):</p> <ul style="list-style-type: none"> <li>o Santa Clara Valley Habitat Plan. The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at <a href="http://www.scv-habitatplan.org">www.scv-habitatplan.org</a>.</li> </ul>	Project will comply. Conditions and fees of the Habitat Plan will be addressed in Project Conditions of Approval. The project sponsor will submit the required forms and pay the required fees on a phase-by-phase basis for the Project.
GDP	PBCE - ENV		<p>Sheet 3.02 (Development Standards): All "Standard Conditions of Approval" (AKA: City Standard Permit Conditions) from the DEIR need to be included in the PD permit. All applicable Standard Permit Conditions are included in City permits. Under "Environmental Mitigation Measures and Conditions of Approval," suggest adding reference to an appendix or list of all Standard Conditions of Approval from the DEIR in the PD permit/DWDSG.</p>	No text changes. Conditions of Approval from the EIR will be incorporated into the Project Conditions of Approval.
General	PBCE - ENV		<p>General Comment - Ensure references within documents are accurate. For example, if DWDSG refers to GDP, make sure the accurate sheet or standard is cross-referenced. Also need to make sure General Comment - Ensure references within documents are accurate.</p>	Noted
General	PBCE - ENV		<p>City input on items to be included in the conformance checklist are forthcoming.</p>	Noted

Note: Comments from PBCE Historic Review division were previously responded to via email